

# THE FLINN REPORT

ILLINOIS GENERAL ASSEMBLY  
JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

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The Flinn Report is a weekly summary of regulatory actions of State agencies published in the *Illinois Register* and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules (JCAR). The Flinn Report honors founding JCAR member Representative Monroe Flinn, and is designed to inform and involve the public in changes taking place in agency administration.

## Proposed Rulemakings

### ▪ BROADBAND GRANTS

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY proposed amendments to the Part titled Broadband Grant Programs (14 IAC 548; 48 Ill Reg 11415) implementing the Broadband Infrastructure Advancement Act [220 ILCS 81]. As a means of documenting unserved and underserved locations and community anchor institutions within Illinois that qualify for federal Broadband Equity, Access and Deployment (BEAD) funding, this rulemaking replaces Federal Communications Commission broadband data maps with a dataset approved by the National Telecommunications and Information Administration (NTIA, a federal agency within the U.S. Department of Commerce). The rulemaking also updates an incorporation by reference of DCEO's Connect Illinois Initial Proposal (Vol. 2), which was revised in May 2024 and approved by NTIA on

6/10/24. Information that must be submitted by BEAD grant applicants has been simplified and demonstration of financial need is no longer required, nor will it be a factor in determining grant awards. Those affected by this rulemaking include small businesses, small municipalities and non-profits that may be eligible for BEAD grants.

**Adopted Rules, Page 3  
Second Notices, Page 5**

*Questions/requests for copies/comments through 9/23/24: Gina Arterberry, DCEO, 1011 S. Second St., Springfield IL 62704-3004, 217-524-8974, [Gina.M.Arterberry@Illinois.gov](mailto:Gina.M.Arterberry@Illinois.gov)*

### ▪ CPA EXAMS

The BOARD OF EXAMINERS proposed an amendment to Certificate of Education and Examination

Requirements (23 IAC 1400; 48 Ill Reg 11381) that, effective 1/1/25, allows candidates for the Certified Public Accountant (CPA) examination to include up to 30 hours of work for credit in their required 150 semester hours of college-level instruction. "Work for credit" is defined as faculty approved and supervised courses that award credit hours based on work experience that meets related course objectives. Candidates for CPA examinations are affected.

*Questions/requests for copies/comments through 9/23/24: Carlarta Ratchford, BOE, 1120 E. Diehl Road, Suite 107, Naperville IL 60563, 815-753-8900, [cratchford@ilboe.org](mailto:cratchford@ilboe.org)*

### ▪ SOCIAL WORKERS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed an amendment to the Part

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**ADOPTED RULES:** Rules adopted by agencies this week. **EMERGENCY RULES:** Temporary rules adopted for no more than 150 days. **PROPOSED RULEMAKINGS:** Rules proposed by agencies this week, commencing a First Notice public comment period of at least 45 days. **PEREMPTORY RULES:** Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

- - Designates rules of special interest to small businesses, small municipalities and/or non-profit organizations. Agencies must consider comments from these groups and attempt to minimize regulatory burdens on them.

**QUESTIONS/COMMENTS:** Submit mail, e-mail or phone calls to the agency personnel listed below each summary.

**RULE TEXT:** First Notice proposed text, emergency rule and peremptory rule text is available at the Secretary of State website (<https://www.ilsos.gov/departments/index/register/home.html>) or at the Illinois General Assembly website (<http://www.ilga.gov>) under "Illinois Register". Second Notice text for proposed rulemakings (original version with any changes made by the agency during First Notice included) is available at the JCAR website.

# Proposed Rulemakings

(cont. from page 1)

titled Clinical Social Work and Social Work Practice Act (68 IAC 1470; 48 Ill Reg 11431) that will correct errors in a rulemaking adopted on 6/4/24. The rulemaking restores provisions for reinstating a license on inactive status that were mistakenly removed in the earlier rulemaking, and also removes a late fee amount that contradicts an amount specified elsewhere in rule.

*Questions/requests for copies/comments through 9/23/24: Craig Cellini, DFPR, 320 W.t Washington St., 2<sup>nd</sup> Floor, Springfield IL 62786, 217-785-0810, fax 217-557-4451, [Craig.Cellini@illinois.gov](mailto:Craig.Cellini@illinois.gov)*

## • ENDANGERED SPECIES

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to Herptile Code (17 IAC 885; 48 Ill Reg 11437) that establish the Herptile Endangered Threatened Propagation Permit (HETP) for the purpose of propagating or breeding threatened or endangered species of herptiles (amphibians and reptiles). Persons applying for HETP permits must provide proof of origin of any endangered/threatened herptiles that are being propagated, sold or offered for sale, and must not sell any herptiles to a person who does not hold a current HETP permit or other DNR endangered/threatened species possession permit. Records of such sales must be kept for at least 2 years. Permits must be renewed and annual reports of permit-related activity filed annually by January 31. Any hybrid or morphological variation of an endangered/threatened herptile

species (e.g., corn snakes, rat snakes) shall also be treated as an endangered/threatened species for purposes of this Part. Other provisions permit medically significant species of venomous or poisonous frogs and toads to be kept for research purposes by bona fide educational or scientific institutions only; update seasons, possession limits, and methods of taking bullfrogs and snapping turtles; and require any person who is employed by or under control of a permit applicant and assisting the applicant in permit-related activities to be listed on the permit application. Those affected by this rulemaking include researchers, conservationists and persons propagating herptiles for sale.

*Questions/requests for copies/comments through 9/23/24: John Fischer, DNR, One Natural Resources Way, Springfield IL 62702, 217-782-1809, [dnr.rules@illinois.gov](mailto:dnr.rules@illinois.gov)*

## AIR POLLUTION

The POLLUTION CONTROL BOARD proposed amendments to the Part titled Nitrogen Oxides Emissions (35 IAC 217; 48 Ill Reg 11469) in anticipation of a change in USEPA's ozone standards for the Chicago and Metro East areas. These areas were designated as "marginal nonattainment" areas in 2015 for purposes of meeting National Ambient Air Quality Standards (NAAQS), but USEPA downgraded them to "moderate nonattainment" in 2022 and was expected to downgrade them further to "serious nonattainment" effective 8/3/24 based on ozone monitoring data. Effective 5/1/25, the rulemaking lowers the major source limit for nitrogen oxides in the nonattainment areas from 100 to 50 tons per year and

requires emissions measurements and compliance to be determined on a 30-day rolling average basis. It also clarifies requirements for initial performance testing and compliance certification that include recording the type of fuel used and total mass emissions on a daily (currently, monthly, seasonally, and annually) basis beginning 5/1/25.

## HAZARDOUS WASTE

PCB also proposed amendments to the Parts titled Hazardous Waste Management System: General (35 IAC 720; 48 Ill Reg 11559), Identification and Listing of Hazardous Waste (35 IAC 721; 48 Ill Reg 11596), Standards Applicable to Generators of Hazardous Waste (35 IAC 722; 48 Ill Reg 11776), Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 IAC 724; 48 Ill Reg 11839), Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 IAC 725; 48 Ill Reg 11868) and Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 IAC 726; 48 Ill Reg 11890). These amendments implement and are "identical in substance" to hazardous waste regulations adopted by USEPA in the last 6 months of 2023.

*Questions/requests for copies/comments on the 7 PCB rulemakings through 9/23/24: Don A. Brown, PCB, 60 E. Van Buren St., Suite 630, Chicago IL 60605, 312-814-3461, [don.brown@illinois.gov](mailto:don.brown@illinois.gov). Please reference Docket R25-17 for Part 217 and R24-12 for Parts 720 through 726.*

# Adopted Rules

## • VIOLENCE PREVENTION

The DEPARTMENT OF HUMAN SERVICES adopted amendments to the Part now titled Community Mental Health Services Program (59 IAC 132; 48 Ill Reg 5381) effective 7/25/24 at 48 Ill Reg 12012, replacing emergency amendments that were effective 3/28/24. This rulemaking provides that individuals hired as Peer Support Workers (PSWs) for a Violence Prevention Community Support Team (VP-CST) are exempt from the background check requirements for Medicaid community mental health services workers that are contained in the Part. Instead, they are subject to background check requirements contained in 89 IAC 140. Table P (see below). Additionally, this rulemaking changed the title of the Part (formerly Medicaid Community Mental Health Services Program).

*Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, 3<sup>rd</sup> Floor, Springfield IL 62762, 217-785-9772, [DHS.AdministrativeRules@illinois.gov](mailto:DHS.AdministrativeRules@illinois.gov)*

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES also adopted amendments to Medical Payment (89 IAC 140; 48 Ill Reg 5379) effective 7/25/24 at 48 Ill Reg 11981, replacing emergency amendments effective 3/28/24. These amendments establish alternate background check rules for PSWs that work for Behavioral Health Clinics (BHCs) enrolled in the Medical Assistance Program. The alternate rules, contained in new Table P, narrow the list of criminal offenses that disqualify an individual from mental health services employment to include only violent or aggravated felonies for a period of 5 or 10 years after the offense. (The intent is to allow persons who may once have been involved in gangs or other illegal

activity to work with Violence Prevention Community Support Teams in communities affected by firearm violence.) Medicaid mental health providers are affected.

*Questions/requests for copies: Katie Hill, HFS, 201 S. Grand Ave. East, 3<sup>rd</sup> Floor, Springfield IL 62763-0002, 217-782-1233, [HFS.Rules@illinois.gov](mailto:HFS.Rules@illinois.gov)*

## • ANGEL INVESTMENTS

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted amendments to Angel Investment Credit Program (14 IAC 531; proposed at 48 Ill Reg 5851) effective 7/29/24 at 48 Ill Reg 11949, expanding eligibility criteria for the credit. A qualified new business venture will meet the minimum employment threshold for a qualifying investment if at least 51% of its employee positions are in Illinois, or if its principal place of business is in Illinois. (Previously, a business had to meet both criteria and at least 75% of the employee positions created following receipt of the qualifying investment had to be in Illinois.) “Principal place of business” is defined as the location where the business’ high-level officers direct, control, and coordinate the business’ activities. The sunset date for the program is extended to 12/31/26, and effective 1/1/24, the maximum tax credit is increased to 35% of the credit claimant’s investment in a qualified new business venture if the business is majority owned by minorities, women or persons with disabilities or is located in a county with no more than 250,000 residents. The total amount of tax credits that may be awarded under this program is increased to \$15 million (previously \$10 million) per calendar year, of which up to \$5 million will be reserved for minority, women and disability-owned businesses and businesses located in less populated

counties. At least \$2.5 million in credits will be earmarked for investments in minority-owned businesses made on or after 1/1/24. Investors in small businesses may be affected.

## ENERGY STORAGE GRANTS

DCEO also adopted a new Part titled Coal to Solar and Energy Storage Initiative Fund Grant Program (14 IAC 710; proposed at 47 Ill Reg 12505) effective 7/29/24 at 48 Ill Reg 11958, implementing a grant program through which owners of current or former coal fired power plants may receive funds to convert these facilities into electrical storage facilities, prioritizing solar-generated electricity. A maximum of 5 electric generating facilities in Illinois – 3 located in the Midcontinent Independent System Operator (MISO) grid and 2 in the PJM Interconnection grid – may qualify for up to \$280.5 million in grants for this purpose. A qualifying facility must have, or have had prior to ceasing operations, at least 150 megawatts generating capacity and have burned coal as its primary fuel source; must have been retired on or after 1/1/16 if it is no longer operating at the time of application; must have been formerly owned by a public utility and must not be currently owned by an electric cooperative or other alternative retail electric supplier; and must not already have a renewable energy facility in place at or near the current or former power plant site. Projects for which grants are awarded must be operational on 6/1/23, 6/1/24 or 6/1/25. The applicant must offer opportunities for former employees of the coal-fired generating facility to work or become qualified (by training, education or previous experience) to work at the new facility. Other provis-

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# Adopted Rules

(cont. from page 3)

ions of the grant program include project labor agreement specifications, diversity goals, and compliance with the Grant Accountability and Transparency Act. Grant payments to each awardee will be \$110,000 per megawatt of storage capacity, paid over a 10-year period with total payments not to exceed \$28,050,000 per year. Since 1<sup>st</sup> Notice, DCEO has clarified a number of statutory provisions by reproducing them in italics.

*Questions/requests for copies of the 2 DCEO rulemakings: Gina Arterberry, DCEO, 1011 S. Second St., Springfield IL 62704-3004, 217-524-8974, [Gina.M.Arterberry@Illinois.gov](mailto:Gina.M.Arterberry@Illinois.gov)*

## LANDOWNER PERMITS

The DEPARTMENT OF NATURAL RESOURCES adopted an amendment to the Part titled Landowner Permits (17 IAC 528; proposed at 48 Ill Reg 3570) effective 7/26/24 at 48 Ill Reg 12020, that expands acceptable proof of land ownership (for obtaining a DNR hunting permit for private property) to include the most recent notice of property tax assessment (formerly, a property deed, contract for deed, or real estate tax statement were the only documents accepted). If the person applying for a landowner permit is a member of a limited liability company (LLC) whose articles of organization do not list its

members, or a beneficiary of a trust that owns the land, the application must include a notarized statement verifying that the applicant is a member of the LLC or a beneficiary of the trust.

*Questions/requests for copies: John Fischer, DNR, One Natural Resources Way, Springfield IL 62702, 217-782-1809, [dnr.rules@illinois.gov](mailto:dnr.rules@illinois.gov)*

## ▪ ASSISTED LIVING

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Assisted Living and Shared Housing Establishment Code (77 IAC 295; proposed at 48 Ill Reg 4295) effective 7/29/24 at 48 Ill Reg 12026, that implement 3 Public Acts. The rulemaking requires assisted living establishments to comply with PA 103-261, the Essential Support Person Act, which gives residents of long-term care facilities the right to designate primary and secondary essential support persons who may continue to visit them when general restrictions on visitation are in effect. The rulemaking also implements PA 103-444, which allows persons who require sliding scale insulin administration to reside in assisted living facilities, and PA 102-1037, which establishes conditions for certified nursing assistant interns to perform authorized duties under the direction of a supervising nurse. Other provisions update statutory and other qualifications for an assisted living establishment manager and update incorporations by reference. Since 1<sup>st</sup>

Notice, DPH has added an automatic repeal date of 11/1/27 for the certified nursing assistant intern provisions. Assisted living establishments are affected by this rulemaking.

*Questions/requests for copies: Tracey Trigillo, DPH, 524 S. Second St., 6<sup>th</sup> Floor, Springfield IL 62701, 217-782-1159, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)*

## ▪ CANNABIS INFUSERS

The DEPARTMENT OF AGRICULTURE adopted an amendment to the Part titled Cannabis Regulation and Tax Act (8 IAC 1300; proposed at 48 Ill Reg 5844) effective 7/29/24 at 48 Ill Reg 11942, correcting errors in the listed fees for modifications and alterations to licensed infuser facilities. For modifications to a license, a fee of \$1,250 (previously \$5,000) is due at the time of application, with an additional fee of \$750 (previously \$3,000) due upon approval of the application. For alterations to a facility that do not require an amendment to the license, the application fee is \$250 (previously \$1,000). DOA will refund the excess portion of any fee paid by an applicant prior to 9/1/24 that was higher than the corrected amounts listed in this rulemaking. Cannabis infuser license holders are affected by this rulemaking.

*Questions/requests for copies: Samuel McGee, DOA, State Fairgrounds, PO Box 19281, Springfield IL 62794-9281, 217-558-3741, [Samuel.McGee@illinois.gov](mailto:Samuel.McGee@illinois.gov)*

## Second Notices

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The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the September 10, 2024 meeting in Chicago. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR at [jcar@ilga.gov](mailto:jcar@ilga.gov).

### DEPT OF HUMAN SERVICES

Office of Inspector General Investigations of Alleged Abuse, Neglect, or Financial Exploitation in State-Operated Facilities and Community Agencies (59 IAC 50; 48 Ill Reg 6197) proposed 4/26/24

### DEPT OF PUBLIC HEALTH

Intermediate Care for the Developmentally Disabled Facilities Code (77 IAC 350; 48 Ill Reg 5862) proposed 4/19/24

Medically Complex for the Developmentally Disabled Facilities Code (77 IAC 390; 48 Ill Reg 5877) proposed 4/19/24

### SECRETARY OF STATE

Online Only Adult Driver Education Course Provider Certification (92 IAC 1066; 48 Ill Reg 8331) proposed 6/7/24

### **Next JCAR Meeting: Wednesday, Aug. 14, 10:30 a.m.**

Room D-1, Stratton Bldg., 401 S. Spring St., Springfield  
Meeting will be live streamed on the JCAR website

### **Joint Committee on Administrative Rules**

Senator Bill Cunningham, Co-Chair  
Senator Cristina Castro  
Senator Donald DeWitte  
Senator Dale Fowler  
Senator Napoleon Harris, III  
Senator Sue Rezin

Representative Ryan Spain, Co-Chair  
Representative Eva-Dina Delgado  
Representative Jackie Haas  
Representative Steven Reick  
Representative Curtis Tarver, II  
Representative Dave Vella

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